

RESOLUTION 48-2009

RESOLUTION OF INTENT TO CREATE THE CATARACT VOLUNTEER FIRE SERVICE AREA

BE IT RESOLVED by the Board of County Commissioners (the "Board") of Jefferson County (the "County"), Montana, as follows:

Section 1. Intention To Create FIRE SERVICE AREA. the Board received a petition for the creation of the Cataract Volunteer Fire Service Area pursuant to § 7-33-2401, MCA, as noted in the attached Petition Exhibit 1 (which is hereby incorporated herein and made a part hereof) proposed to be formed within Jefferson County.

Section 2. Boundaries of District. The limits and boundaries of the District are depicted on a map attached as Exhibit 2 hereto (which is hereby incorporated herein and made a part hereof) and further described as being located within some portions of T6N R4W 5, 6, 7, 8, 17 and 18; T6N R5W Sections 1, 2, 3 (east ½), 10, 11, 12, 13, 14, 15; T7N R4W Sections 7, 6, 18, 19, 20 (south ½), 29, 30 and 31; T7N R5W Sections 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 35, 36; T7N R6W Sections 1, 2, 3, 4, 9, 10, 11, 13, 16, 24, 25, and T8N R5W Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36; T8N R4W Section 31 and T8N R6W Sections 25, 26, 34, 35, and 36 which are within the County.

Section 3. Property. The District and territory included within the limits and boundaries described in Section 3 and as shown in Exhibit 2 is hereby declared to be the area of the proposed Cataract Volunteer Fire Service Area and the territory which will benefit and be benefitted by the fire service area therein and will be assessed for the costs of the fire service area described in Section 1. The property included within said limits and boundaries is hereby declared to be the property benefitted by the fire service area.

Section 4. General Character of the Fire Service Area. The general character of the fire service area shall be to provide area fire protection for structures, fire protection for wild lands incidents and rescue and/or evacuation services.

Section 5. Estimated Cost. The estimated costs of said fire service area are attached as Exhibit 3 hereto as a proposed budget. Said estimated costs may change in the future.

Section 6. Available Equipment. The following equipment is readily available for use by the fire service area's volunteer fire department including those items listed in Exhibit 4 hereto (which is hereby incorporated herein and made a part hereof) : Said equipment shall be transferred to the Cataract Volunteer Fire Service Area upon formation of said fire service area.

Section 7. Assessment Methods. Per MCA §7-33-2404, the Board of County Commissioners shall establish a schedule of rates to be charged to owners of structures and owners of undeveloped land that are benefitted by the services offered by the fire service area. The rates for all classes of structures within the fire service area shall be \$10 dollars per year. The rates for all classes of undeveloped land as defined in MCA 7-33-2405(2)(b) shall be charged at a rate of \$0.15 cents per acre, but shall not exceed a maximum of \$10 for undeveloped land under a single ownership. The Board of County Commissioners shall collect the funds necessary to operate the fire service area by charging the area rate as a special assessment on the owners of structures and undeveloped land and shall collect the assessments with the general taxes of the county. The assessments are a lien on the assessed property.

Section 8. Operation of Fire Service Area. The Board of the County shall initially appoint five qualified trustees to govern and manage the affairs of the area and that then the provisions of MCA §7-33-2105 apply and MCA §7-33-2106 applies.

Section 9. Public Hearing: Protests. At any time within thirty (30) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the proposed fire service area may make and file with the County Clerk and Recorder's Office until 5 :00 p.m., M.T., on the expiration date of said 30-day period, written protest against the proposed fire service area or comments. Such protest must be in writing, and identify the property in the proposed fire service area owned by the protestor. The protest must be delivered to the County Clerk and Recorder, who shall endorse thereon the date of its receipt by him or her. This Board will at its next regular meeting after the expiration of the thirty (30) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on Tuesday the 26th of January, 2010 at 2:00 p.m., in the Jefferson County Courthouse at 201 Centennial, Boulder, Montana 59632.

Section 10. Notice of Passage of Resolution of Intention. The County Clerk and Recorder is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the Whitehall Ledger, the Jefferson County Courier, and the Independent Record, newspapers of general circulation in the County, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the proposed fire service area listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his or her last-known address, on or before the same day such notice is first published.

PASSED AND ADOPTED by the Board of County Commissioners of Jefferson County, Montana, this 15th day of December, 2009.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER